App F IX 4

Previous References

1948—49
(ML)

File No 57-48
Serial Nos 13, 14

Later References
M 46 50 -(27, 28)

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

C P 16/E F) Part B for July '49

SUBJECT

Election of Sri B N Rangappa as the Vice-President of the Thirthahalli Minor Municipal Council

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To
The D C, Shimoga Dt
No L 1165/D 28-7-49
Directs that a fresh election be held

K/o

50957/ml

Election of Sri B N Rangappa, Vice-Pres
the Thirthahalli Minor Municipal Counci

From,

The Dy Commr Shimoga Dt
No M3C 1857/47-48 dated 3-1-4
Forwards for approval the election
of Sri B N Rangappa, as Vice-Presiden
of the Thirthahalli Minor Ml Cl

1) The DC states that an objection petition has been filed by Sri K Raghavendr Rao and others contesting the validity of th election The Sub-Division Officer, Shimog Dt has been appointed to conduct an enqui and to report

2) The DC also requests, under Rule [illegible] of the election approval of Govt to the election of Sri B N. Rangappa, as having returned as Vice-President, pending final report in the matter

3) Submitted for orders

Thus
12/1/49

4) The rule referred to by the DC does not appear to contemplate the issue of notifications approving of elections in cases where the validity of an election has been contested by an objection petition

R 13-1-49

5) pl link up with a copy of the rules on the subject

15/1

6) Election 5095 has been held for filling up the place of the vicepresident in the [illegible] Municipality, on 16 11 48 Sri B N Rangappa was successful. As against this, an objection petition is stated to have been filed within the prescribed time by some municipal councillors. The D.C. Shimoga has been appointed to hold the enquiry. In the meanwhile, pending the final report in this behalf, the D.C. recommends that Sri B N Rangappa may be notified as vicepresident. There is no provision in the existing rules to take action as proposed. The D.C. will be requested to arrange to get the enquiry report quickly for perusal.

19/1

18/1/49

7) The D.C. will be requested to get complete the enquiry early and the proposal of the D.C. to notify Sri Rangappa's appointment as Vice President is not warranted by rules.

19/1/49

TH
LOCAL GOVERNMENT
3644
20/1/49

8) I agree as above [illegible]

21/1/49

20/1/49

5093/ml

Election of ~~for~~ Vice President to Thirthahalli Mlty

9) Dft letter please

2/2/49

8192/ml

A draft letter is put up

3/2/49 Br 4-2-49

Issue above

4/2/49

To,

The Dy Commr Shimoga Dt

No L 9133/9-2-49

Calls for a report

Sus A 19/2/49

Reminder Subd

13/4 Issued Br 18/4/49

L12000 19 4 49

From

The Dy Commr Shimoga Dt

No M3 C 1857-198/21-4-49

States that the Sub-Division Officer has been reminded to submit his report

Subd for kind perusal. The receipt of a report will be awaited

28/4/49 Br 29-4-49

10) Yes till 5/5/49 [illegible] [illegible] if no reply is recd [illegible] [illegible]

29/4/49

~~Reminder Subd~~

Sus A 11/5/49

11/5/49

11/5 Issue

L 13064 d 11-5-49

5093/mt

Shirthahalli Minor Mlty

To
The Dy Commr Shimoga Dt
No L13069/11-5-49
Reminds

From
The Dy Commr Shimoga Dt
No M3 C 1857/17-5-49
Forwards the report of enquiry

11) The validity of the election held has been contested by the petitioners on the following main grounds —

a) The Sheristedar of the Taluk Office was not legally competent to issue the notice dated 25-10-48

b) The Sheristedar was also not legally competent to preside over the election of the Vice-President

c) Even if the said notice dated 25-10-48 is valid for any purpose, the notice omits to state the reasons for convening the said meeting at a place different from the MC Office

d) The said notice dated 25-10-48 furnishes two dates for convening the Spl meeting viz 16-11-48 and 20-11- and also ~~omitting~~ omits to specify the date

3849
n1

7026/Law

election of Sri D V Rangappa as Vice Presi

d) the [illegible] Members Mtg of election

e) The said notice dated 25-10-48 prescribes the election of V-President to precede the special meeting, and as the said notice would have it, No special meeting is convened for the purpose

and also three others

12) The Dy Commr has stated that ~~those~~ The Sub Divn Officer, Shimoga conducted an enquiry into the objections and he and the Sub Divn Officer hold that the irregularities ~~objected to above~~ (a) to (e) above are material and vitiate the proceedings

13) The DC is of opinion that the other three objections are not worth serious consideration

14) In the above circumstances the Dy Commr Shimoga Dt Considers that a fresh election should be held to elect a Vice President after going through the prescribed formalities

15) Subd for Kind perusal and orders

ARY I V DEPARTMENT
28 MAY 1949

Dr
5/49 Pr 5.49

2801 - for 9/5

& copy of the Election rules is put up

16) The opinion of the Law Department may be obtained on the above points

Genl Secy
28/5/49

SECRETARY TO GOVT OF ... GEN R&L C ...
Dat 27/5

17) Law Secy
we)

27/5/49
28/5/49

8848/21

Election of Sri B N Rangappa as Vice-President of the Thirthahalli T B

8267

18) One of the objections is that the Sheristedar of the taluk office was not competent in law to issue the said notice dated 25th October 1948. The proviso to Rule 1 (page 45) states that notice shall be given by the Vice-President or in his absence by the Chief Executive Officer of the Municipal Council. The notice ought to have been issued by the latter.

19) Again, in the notice dated 25th October 1948 the place of election and the reasons for a change of place ought to have been specifically mentioned. The notification dated 25-10-48 is also vague for the reason that two dates and timings of two meetings are clubbed together in the same Notification leading to some confusion. There appears to be material irregularities affecting the validity of the election.

11318
1 JUN 1949

Law Secy) 20)
Genl Secy)
WRC

BSV 11/6
Sd 1/6
Sd 13/6

21) The recommendation of the DC which is supported by Legal opinion may be accepted and fresh election ordered

15/6/49

Minister L (9)
Sd 14/6/49

6272 (6272)
15/6/49

I agree with the opinion of the D C & the Law Secretary. A fresh election may be held.

23/7/49

Election of Sri B.N. Rangappa as V Pdt of the [illegible] Muncplty

8848
21

Dft letter approved

26/7/49

Submd with a draft letter for approval

26/7/49 Pr 27/7/49

Issue

26/7/49

To
The Dy Commr Shimoga Dt
No 21165/28-7-49 Ref 57-48-14
Directs that a fresh election be held.

B ~~[illegible]~~
30/7/49

ML 5095

No M3 C 1857/47-48
Encls

Office of the Deputy Commissioner,
Shimoga District,
Shimoga, dated, 3rd January 1949

Inv Mallappa for [illegible]
7/1/49

From

The Deputy Commissioner,
Shimoga District, SHIMOGA

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department,
BANGALORE

ML
6/1

Sir,

Subject - Election of Sri B N Rangappa, Vice-President, to Thirthahalli Municipality-

--

In enclosing herewith the copy of the report received from the President, Thirthahalli Municipality on the subject noted above, I write to state that an objection petition has been filed by Sri K Raghavendra Rao, and others contesting the validity of the election. The Sub Division Officer, Shimoga Sub Division, has been appointed under rule 13 of the Election Rules to conduct an enquiry and/to report. Pending final report in this behalf, I request that a notification may kindly be arranged to be issued under Rule 11 of the election rules publishing the name of Sri B N Rangappa, as having returned as Vice - President, in the election held

Yours faithfully,
S Muniswamappa

Deputy Commissioner,
2- Shimoga District

LNR

L9133
9-2-49

To,
The D C Shimoga Dt

Subject - Election of Sri B N Rangappa as Vice-President of the Thirthahalli Minor Mty

Sir

With reference to your letter No M3 C 1867/47-48 dated 3-1-49 recommending that Sri B N Rangappa may ~~be~~ notified as Vice-President of the Thirthahalli Minor M C pending final report in this behalf, I am directed to ~~state that the proposal is not warranted by the rules and~~ to request you to ~~get~~ have the enquiry Completed ~~the enquiry~~ early and to send a report thereof to Govt ~~should~~ [illegible] ~~early~~ retransmitting records accompanying it.

Yours faithfully,

for Secy to Govt
Pr 9-2-49
General Dept

purposes of the said election

3

L 9133
9-2-49

The

General Department.

To

The Deputy Commissioner,
Shimoga District.

Sir,

Subject Election of Sri.B N Rangappa as Vice-President of the Thirthahelli Minor Municipality

With reference to your letter No M3 C.1857/47-48 dated 3 1 49 recommending that Sri B N Rangappa may be notified as Vice-President of the Thirthahalli Minor Municipal Council pending final report in this behalf I am directed to request you to have the enquiry completed early and to send a report thereof to the Government very early

Records accompany for reference and re-transmission

Yours faithfully,

Jc

for General Secretary to Government

VI G 7]

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

GENERAL AND REVENUE SECRETARIAT

No L12,000 dated the 19 4 1949

To 21 APR 1949
The Deputy
Commissioner,
Shimoga District,

SUBJECT

Election of Sri B N Rangappa as Vice-President to Thirthahalli Municipality

SIR

No 9113 dated 9 2 49

I am directed to invite attention to the marginally noted communication and to request that the Government of His Highness the Maharaja may be informed in the column opposite of the cause of delay in furnishing a reply and of the approximate date on which reply may be expected

I am also to request that the reply to this reminder may be sent ~~not later than the~~ very early

I have etc

for B Venkataramaiah
Secretary to Government
General Department

*Previous reminders

WD 02861—GPB—8 000-17-5-48

4

REPLY

No M3C 1837-1951 dated the 21-4 1949

GENERAL & REVENUE SECRETARIAT
28 APR 1949
8192

To

The Secretary to the
Government of H H the
Maharaja of Mysore,
General Department

Sir

With reference to the reminder on the subject noted in the margin, I have the honour to state that the Sub Division Officer of Shimoga Sub Division who has been asked to conduct the enquiry has not reported so far. He has been demi-officially reminded today. I will submit the report after getting it from the Sub Division Officer.

Yours faithfully,
M Subramanyam 22/4
Dy Commissioner

21/4/49 Reminder
DM

21 4

ML 57-40-102

No M3 C 1857/48-49
Encl. one file

Office of the Deputy Commissioner
Shimoga District
Shimoga dated 17th May 1949

Secretariat General Municipal Branch
8868
1 MAY 1949

Govt of Mysore Central Dak
No
Date 1825

18/5/49

To

The Secretary to Government,
Revenu General Department,
Bangalore

Sir,

Subject - Election of Sri B N Rangappa as Vice President of the Thirthahalli Minor Municipality

With reference to your letter No L 9133 dated 9-2-49 on the subject noted above, I have the honour to state that the Sub Division Officer, Shimoga Sub Division, Shimoga who was appointed to conduct the enquiry under Rule 13 of the Rules of Election of Vice Presidents to the Minor Municipalities has submitted his report after enquiry The report of the enquiry is enclosed herewith

The validity of the election held is disputed on the following grounds -

a) The Sheristedar of the Taluk Office was not competent in law to issue the notice dated 25-10-48,

b) The Sheristedar was not legally competent to preside over the election of the Vice President,

c) Even the said notice dated 25-10-48 is valid for any purpose, the notice omits to state the reasons for convening the said meeting at a place different from the Municipal Office

d) The said notice dated 25-10-48 furnishes two dates for convening the special meeting viz 16-11-48 and 20-11-48 and specifies the appointed hour as 3 P M and 4 P M in the Meeting notice and in the calendar of events, as also omitting to specify the place of election

e) The said notice dated 25-10-43 prescribes the election of the Vice-President to preceede the special meeting, and as the said notice would have it No special meeting is convened for purposes of the said election

f) the petitioners who went as aforesaid to the Amildar's Chambers at 3-42 P M on 16-11-48 remained there till 5-30 P M and the election of the respondent had not taken place till then

g) Even if the said notice dated 25-10-48 should be considered as valid for any purpose, in no view of the case, having regard to the notice in question, the meeting of the council could have been ~~noted~~ held after 3-30 P M

h) Preparation of 16 Ballot Papers as against 15 the constituted strength of the Municipality

From the perusal of the objections, the report of ~~the~~ enquiry of the Sub Division Officer, and the records, I am of the opinion that the objections detailed in (a) and(e) are regular The Sheristedar ought not to have signed the Notification and the calendar of events as "for President" The election ought to have been held in the Municipal Office alone if special reasons are not stated in the memo calling for the special meeting The issue of notification calling for the meeting and the calendar of events ought to have been issued separately and there ought not to have been any change in the hour of the meeting, as mentioned in the meeting notice and in the calendar of events This has been objected to in (d) and(e) The objection (f) is for conducting the proceedings by the Sheristedar in the absence of the President The objection cannot be considered as tenable in view of the fact that the Sheristedar conducts the proceedings not as "Sheristedar" but as Ex-officio President in the absence of the President

The objections F- G- and H- are not worth serious consideration

In these circumstances, I am of opinion that the irregularities objected to in (a) (c) and (d) are material and vitiate the proceedings and consider that a fresh election should be held to elect a Vice-President after going through the prescribed formalities

Yours faithfully,
17/5
Deputy Commissioner I/c
Shimoga District

2

knr)

2 copies.

To ML.S.7-48-49

The Dy Commr Shimoga Dt

Sir,

Subject - Election of Sri B N Rangappa as the vice-President of the Thirthahalli Minor Mpl

With reference to the Correspondence ending with your letter No M3 C 1857/48-49 dated 17-5-49 forwarding with your views the records connected with the enquiry held on the petition objecting to the validity of the election of Sri B N Rangappa as the Vice-Pdt of the Thirthahalli

Mum MC I am
directed to state that
Govt agree with your
view of the case and
direct that a fresh
election be held therefor
according to the rules
issued in this behalf
Further Action may
be taken immediately
The Records accompany

Yrs faithfully

For Secy to Govt
Genl Dept

Immediate

L1165 LR
26/7/49

The Deputy Commissioner,
Shimoga District

Sir,

SUB Election of Sri B N Rangappa as the Vice-President of the Thirthahalli Minor Municipal Council

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With reference to the correspondence ending with your letter No M3 C 1857/48-49 dated 17th May 1949 forwarding with your views the records connected with the enquiry held on the petition objecting to the validity of the election of Sri B N Rangappa as the Vice-President of the Thirthahalli Minor Municipal Council, I am directed to state that Government agree with your view of the case and direct that a fresh election be held therefor according to the rules issued in this behalf Further action may be taken immediately

The records accompany

Yours faithfully,

for General Secretary to Government